

REMARKS

Reconsideration and allowance of the subject application are respectfully solicited.

Claims 1, 3 through 6, 10 through 12, 14 through 17, and 21 through 23 are pending, with Claims 1, 12, and 23 being independent. Claims 1, 12, and 23 have been amended.

Claims 1, 3 through 6, 10 through 12, 14 through 17, and 21 through 23 yet again were rejected under 35 U.S.C. § 102(e) over previously-cited U.S. Patent Application Publication No. 2005/0028208 A1 (Ellis, et al.). All rejections are respectfully traversed.

Claims 1, 12, and 23 recite, *inter alia*, a broadcast wave including conditioned access data generated *by the broadcaster* in accordance with (a) identification information for identifying the broadcast receiver, *and* (b) identification information for identifying an external terminal which is capable of connecting with the broadcast receiver without using the broadcasting system, both inputted from the external terminal to the broadcaster via a different network.

However, Applicants respectfully submit that Ellis, et al. fails to disclose or suggest at least the above-discussed claimed features as recited, inter alia, in Claims 1, 12, and 23.

Applicants respectfully submit that Ellis, et al. discloses, e.g., a main facility 12, a television distribution facility 16, user television equipment 22, and a remote program guide access device 24, with a remote access link 19 for remote program guide access device 24 (e.g., Fig. 2b); meanwhile, Ellis, et al.'s [0067], relied upon in the Official

Action, discloses that “program guide data for additional services... (e.g., pay-per-view information...” are transmitted by main facility 12 to interactive television program guide equipment 17, and [0068], also relied upon in the Official Action, mentions, *inter alia*, satellite television distribution, and [0070] discloses, e.g., “authorization techniques”; the Official Action contends at page 3 that Ellis, et al.’s paragraphs 67, 68, 87, 77, and 72 contain text “suggesting both identification are input from the remote access device in order to receive additional information” and therefore the claims are anticipated. All such contentions are respectfully traversed.

Applicants respectfully submit that neither the foregoing nor the remainder of Ellis, et al. provides either a description or a suggestion of at least the above-discussed claimed features as recited, *inter alia*, in Claims 1, 12, and 13. Applicants respectfully submit that neither main facility 12 nor television distribution facility 16 in Ellis, et al. generate conditioned access data in accordance with (a) *and* (b) as required by the claims. The mere mention in Ellis, et al. of “pay-per-view” manifestly does not constitute a disclosure or suggestion of the specifically claimed generation of conditioned access data in accordance with both (a) and (b). The statement in the Official Action that the claimed features are “inherently” disclosed by Ellis, et al. is also respectfully traversed by Applicants. Inherency requires that the cited document invariably and necessarily disclose the claimed features which, in Applicants’ view, is not the case.

It is further respectfully submitted that there has been no showing of any indication of motivation in the cited documents that would lead one having ordinary skill in the art to arrive at such features.

The dependent claims are also submitted to be patentable because they set forth additional aspects of the present invention and are dependent from independent claims discussed above. Therefore, separate and individual consideration of each dependent claim is respectfully requested.

Applicants submit that this application is in condition for allowance, and a Notice of Allowance is respectfully requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

/Daniel S. Glueck/
Daniel S. Glueck
Attorney for Applicants
Registration No. 37,838

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3800
Facsimile: (212) 218-2200

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